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JOHN J. OSKOREP, ESQ.  
ONE MAGNIFICENT MILE CENTER  
980 N. MICHIGAN AVE.  
SUITE 1400  
CHICAGO, IL 60611

EXAMINER

KHAN, SUHAIL

ART UNIT PAPER NUMBER

2617

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/762,957	ALFANO ET AL.	
	Examiner	Art Unit	
	Suhail Khan	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05282006</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 and 7 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent App. Pub. No. 2001/0034228 to Lehtovirta et al.

Referring to **claim 1**, Lehtovirta et al disclose a method re-establishing communication (page 3, paragraph 22, connection is established) for a wireless communication device in a wireless communication network (page 3, paragraph 22, subscriber unit) after a communication loss there between (page 3, paragraph 22, failure), the method comprising the acts of: receiving an indication of the communication loss between the wireless device and the wireless network (page 3, paragraph 20, connections affected by the failure determined); based on receiving the indication of the communication loss, adding an identifier of the wireless device to a list of unavailable wireless devices in the wireless network (page 3, paragraph 21, list with identification of subscriber units); and causing identifiers of the list to be broadcasted in the wireless network (page 3, paragraph 21, list included in message sent to one or more nodes).

Referring to **claim 2**, Lehtovirta et al disclose the method of claim 1, further comprising the acts of: receiving an indication that communication is re-established between the wireless device and the wireless network; and based on receiving the indication that communication is re-

established, removing the identifier of the wireless device from the list (page 3, paragraph 22, when connection is established, address is sent to other nodes).

Referring to **claim 3**, Lehtovirta et al disclose the method of claim 1, wherein the act of causing the identifiers of the list to be broadcasted comprises the further act of causing the identifiers of the list to be broadcasted on a regular basis (page 3, paragraph 21, list included in message sent to one or more nodes).

Referring to **claim 4**, Lehtovirta et al disclose the method of claim 1, wherein the act of causing the identifiers of the list to be broadcasted comprises the further act of causing the identifiers of the list to be broadcasted over a control channel of the wireless network (page 3, paragraph 21, list included in message sent to one or more nodes; page 1, paragraph 4, cellular telecommunications, control channel is inherent in a cellular telecommunications network).

Referring to **claim 5**, Lehtovirta et al disclose the method of claim 1, comprising further the act of: removing the identifier of the wireless device from the list after an expiration of a period of time (page 3, paragraph 22, when connection is established, address is sent to other nodes).

Referring to **claim 7**, Lehtovirta et al disclose the method of claim 1, wherein the wireless network comprises a cellular telecommunications network (page 1, paragraph 4, cellular telecommunications).

3. Claims 32-35, 37-44 and 47-51 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6381455 to Smolik.

Referring to **claim 32**, Smolik discloses a method to facilitate a re-establishing of communication between a wireless communication device and an application server (col 8, lines

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5-10, new service option), the method comprising the acts of: receiving a plurality of connection requests from the application server to the wireless device after a communication loss between the wireless device and a wireless communication network (col 8, lines 5-15, base station sends service request to mobile unit); and limiting a number or a rate of the connection requests from the application server (col 8, lines 30-35 standard variable rate).

Referring to **claim 33**, Smolik discloses the method of claim 32, wherein the act of limiting the number or the rate of the connection requests comprises the further act of performing a rate limiting process with the connection requests from the application server (col 8, lines 5-15, base station sends service request to mobile unit; col 8, lines 30-35, standard variable rate).

Referring to **claim 34**, Smolik discloses the method of claim 32, wherein the act of limiting the number or the rate of the connection requests comprises the further act of performing a traffic policing process with the connection requests from the application server (col 8, lines 5-15, base station sends service request to mobile unit; col 8, lines 30-35, standard variable rate).

Referring to **claim 35**, Smolik discloses the method of claim 32, wherein the application server has user information which is pushed to the wireless device (col 8, lines 5-15, base station sends service request to mobile unit).

Referring to **claim 37**, Smolik discloses disclose the method of claim 32, wherein the wireless device comprises a cellular mobile station (col 8, lines 10-15, mobile unit).

Referring to **claim 38**, Smolik discloses the method of claim 32, wherein the number or the rate is determined based on an Access Point Name (APN) for the wireless device (col 8, lines 30-35, base station sends signals to a specific mobile unit based on a frame rate).

Referring to **claim 39**, Smolik discloses a server for facilitating a re-establishment of data communications between an application server and a wireless communication device (col 8, lines 5-10, new service option), the server comprising; a data storage medium; computer instructions stored on the data storage medium; a computer processor which executes the computer instructions (col 8, lines 5-15, base station) for: receiving a plurality of connection requests from the application server after a communication loss between the wireless device and wireless communication network (col 8, lines 5-15, base station sends service request to mobile unit); and limiting a number or a rate of the connection requests from the application server during communication loss between the wireless device and the wireless network (col 8, lines 30-35 standard variable rate).

Referring to **claim 40**, Smolik discloses the server of claim 39, wherein the computer processor which executes the computer instructions for limiting the number or the rate of the connection requests performs a rate limiting technique (col 8, lines 30-35 standard variable rate).

Referring to **claim 41**, Smolik discloses the server of claim 39, wherein the computer processor which executes the computer instructions for limiting the number or the rate of the connection requests performs a traffic policing technique (col 8, lines 5-15, base station sends service request to mobile unit; col 8, lines 30-35, standard variable rate).

Referring to **claim 42**, Smolik discloses the server of claim 39, wherein the server comprises an Access Point Name (APN) server (col 8, lines 30-35, a specific 'base station' sends signals to a mobile unit).

Referring to **claim 43**, Smolik discloses in a cellular mobile station, a method of re-establishing communication (col 8, lines 5-10, new service option) comprising acts of: operating

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in a cellular telecommunications network; detecting that a signal strength of signals from the cellular telecommunications network is below a predetermined threshold (col 8, lines 5-10, frame error rate exceeds some threshold); based on detecting that the signal strength of the signals is below the predetermined threshold, scanning for signals from one or more additional cellular telecommunications networks; and while signals from one or more additional cellular telecommunications networks are inadequate for communication, transmitting on a regular basis a control message which informs the cellular telecommunications network of the presence of the cellular mobile station (col 8, lines 5-15, base station sends service request to mobile unit).

Referring to **claim 44**, Smolik discloses the method of claim 43, comprising the further acts of: detecting that the signal strength of the signals is above the predetermined threshold; and based on detecting that the signal strength is above the predetermined threshold, transmitting the control message to the cellular telecommunications network (col 8, lines 5-10, frame error rate exceeds some threshold; col 8, lines 5-15, base station sends service request to mobile unit).

Referring to **claim 47**, Smolik discloses in a wireless communication device, a method of operating to re-establish communication between the wireless device and a wireless communication network (col 8, lines 5-10, new service option) comprising the acts of: receiving radio frequency (RF) signals from a wireless communication network during communication therewith; detecting that a signal strength of the RF signals is no longer adequate for communication (col 8, lines 5-10, frame error rate exceeds some threshold); scanning to identify a new RF signal for communication; if a new RF signal is not identified by the act of scanning, periodically scanning to identify a new RF signal for communication; and if a new RF signal is

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identified, transmitting a control message to re-establish communication (col 8, lines 5-15, base station sends service request to mobile unit).

Referring to **claim 48**, Smolik discloses the method of claim 47, wherein the act of detecting comprises identifying that a received signal strength indicator (RSSI) is below a predetermined threshold (col 8, lines 5-10, frame error rate exceeds some threshold, i.e. signal strength is below ideal threshold).

Referring to **claim 49**, Smolik discloses the method of claim 47, comprising the further act of: normally refraining from transmitting the control message until a new RF signal is identified (col 8, lines 5-15, base station sends service request to mobile unit).

Referring to **claim 50**, Smolik discloses the method of claim 47, comprising the further act of: entering into a sleep mode between periods of the periodic scanning (col 8, lines 5-15, base station sends service request to mobile unit; request not sent continuously).

Referring to **claim 51**, Smolik discloses the method of claim 47, wherein the control message comprises an update message (col 8, lines 5-15, base station sends service request to mobile unit).

4. Claims 46 and 52-54 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5454026 to Tanaka.

Referring to **claim 46**, Tanaka discloses a cellular mobile station, comprising: a receiver; a transmitter; an antenna coupled to the receiver and the transmitter; one or more processors coupled to the receiver and the transmitter (col 2, lines 40-45, mobile station); the one or more processors being operative to detect that a signal strength of signals from a cellular telecommunications network is below a predetermined threshold (col 2, lines 55-60,



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measure/monitor signal strength); the one or more processors being further operative to, based on detecting that the signal strength is below the predetermined threshold, scan for signals from one or more additional cellular telecommunications networks (col 2, lines 60-65, threshold value information); and the one or more processors being further operative to, while signals from one or more additional cellular telecommunications networks are inadequate for communication, cause a control message which informs the cellular telecommunications network of the presence of the cellular mobile station to be transmitted through the transmitter on a regular basis (col 3, lines 7-11, mobile station transmits call request).

Referring to **claim 52**, Tanaka discloses a wireless communication device, comprising; receiver which receives radio frequency (RF) signals from a wireless communication network during wireless communication therewith; a signal strength detector which detects a signal strength of the RF signals (col 2, lines 55-60, measure/monitor signal strength); a transmitter; one or more processors coupled to the receiver and the transmitter; the one or more processor being operative to: determine that the RF signals are no longer adequate for communication based on the signal strength detector (col 2, lines 60-65, threshold value information); cause the wireless device to enter into a first mode of scanning to identify a new RF signal for communication; cause the wireless device to enter into a second mode of periodic scanning to identify a new RF signal for communication, if a new RF signal is not identified in the first mode of scanning; and cause the transmitter to transmit a control message to re-establish communications if a new RF signal is identified (col 3, lines 7-11, mobile station transmits call request).

Referring to **claim 53**, Tanaka discloses the wireless communication device of claim 52, wherein the one or more processors normally refrain from causing the transmitter to transmit the control message until a new RF signal is identified (col 3, lines 7-11, mobile station transmits call request).

Referring to **claim 54**, Tanaka discloses the wireless communication device of claim 52, wherein the one or more processors cause the wireless device to enter into a sleep mode of operation between periods of the periodic scanning in the second mode of periodic scanning (col 2, lines 55-60, monitor signal strength).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 8-31 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent App. Pub. No. 2001/0034228 to Lehtovirta et al in view of U.S. Patent No. 6275680 to Martin et al.

Referring to **claim 6**, Lehtovirta et al disclose the method of claim 1, comprising communication loss (page 3, paragraph 22, failure). Lehtovirta et al do not further disclose in the wireless communication device, decoding broadcasted identifiers of the list from the wireless network; comparing each broadcasted identifier with an identifier of the wireless device; based on a match between a broadcasted identifier and the identifier of the wireless device, transmitting a control message which informs the wireless network of the presence of the wireless device.

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Examiner maintains that the concept that in the wireless communication device, decoding broadcasted identifiers of the list from the wireless network; comparing each broadcasted identifier with an identifier of the wireless device; based on a match between a broadcasted identifier and the identifier of the wireless device, transmitting a control message which informs the wireless network of the presence of the wireless device was well known in the art as taught by Martin et al.

In a similar field of endeavor, Martin et al show comparing the identification number of the called station with the stored identification number of the handset and if a match exists, establishing a communication link (col 2, lines 25-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lehtovirta et al to show in the wireless communication device: after the communication loss, receiving signals from the wireless network; decoding broadcasted identifiers of the list from the wireless network; comparing each broadcasted identifier with an identifier of the wireless device; based on a match between a broadcasted identifier and the identifier of the wireless device, transmitting a control message which informs the wireless network of the presence of the wireless device, as taught by Martin et al, the motivation being activating a handset when the identification numbers match (Martin et al, col 2, lines 15-20).

Referring to **claim 8**, Lehtovirta et al disclose in a wireless communication device, a method of re-establishing communication (page 3, paragraph 22, connection is established) with a wireless communication network after a communication loss therewith, the method comprising the acts of: after the communication loss (page 3, paragraph 22, failure), decoding broadcasted identifiers of a list of unavailable wireless communication devices in the wireless network;

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comparing each broadcasted identifier with an identifier of the wireless device (page 3, paragraph 20, connections affected by the failure determined; page 3, paragraph 21, list with identification of subscriber units; page 3, paragraph 21, list included in message sent to one or more nodes). Lehtovirta et al do not disclose that based on a match between a broadcasted identifier and the identifier of the wireless device, transmitting a control message which informs the wireless network of the presence of the wireless device. Examiner maintains that the concept that based on a match between a broadcasted identifier and the identifier of the wireless device, transmitting a control message which informs the wireless network of the presence of the wireless device was well known in the art as taught by Martin et al.

In a similar field of endeavor, Martin et al show comparing the identification number of the called station with the stored identification number of the handset and if a match exists, establishing a communication link (col 2, lines 25-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lehtovirta et al to show in a wireless communication device, a method of re-establishing communication with a wireless communication network after a communication loss therewith, the method comprising the acts of: after the communication loss, decoding broadcasted identifiers of a list of unavailable wireless communication devices in the wireless network; comparing each broadcasted identifier with an identifier of the wireless device; and based on a match between a broadcasted identifier and the identifier of the wireless device, transmitting a control message which informs the wireless network of the presence of the wireless device, as taught by Martin et al, the motivation being activating a handset when the identification numbers match (Martin et al, col 2, lines 15-20).

Referring to **claim 9**, Lehtovirta et al disclose the method of claim 8, comprising the further act of: otherwise, normally refraining from transmitting the control message to the wireless network (page 3, paragraphs 20 and 21, connections affected by the failure determined; then list with identification of subscriber units included in message sent to one or more nodes).

Referring to **claim 10**, Lehtovirta et al disclose the method of claim 8 (page 3, paragraph 22, failure), wherein the act of decoding broadcasted identifiers comprises the further act of decoding the broadcasted identifiers over a control channel of the wireless network (page 1, paragraph 4, cellular telecommunications, control channel is inherent in a cellular telecommunications network).

Referring to **claim 11**, Lehtovirta et al disclose the method of claim 8, wherein the broadcasted identifiers comprise one of identification numbers and an IP addresses (page 5, paragraph 47, IP address).

Referring to **claim 12**, Lehtovirta et al disclose the method of claim 8, wherein the wireless device comprises a cellular mobile station (figure 1, UE 30).

Referring to **claim 13**, Lehtovirta et al disclose a wireless communication device, comprising: a receiver; a transmitter; an antenna coupled to the receiver and the transmitter; one or more processors coupled to the receiver and the transmitter (figure 1, UE 30). Lehtovirta et al do not disclose the one or more processors being operative to: decode broadcasted identifiers of unavailable wireless communication devices in a wireless communication network; compare each broadcasted identifier with an identifier of the wireless device; and cause a control message which informs the wireless network of the presence of the wireless device to be transmitted through the transmitter, based on a match between a broadcasted identifier and the identifier of

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the wireless device. Examiner maintains that the concept that the one or more processors being operative to: decode broadcasted identifiers of unavailable wireless communication devices in a wireless communication network; compare each broadcasted identifier with an identifier of the wireless device; and cause a control message which informs the wireless network of the presence of the wireless device to be transmitted through the transmitter, based on a match between a broadcasted identifier and the identifier of the wireless device was well known in the art as taught by Martin et al.

In a similar field of endeavor, Martin et al show comparing the identification number of the called station with the stored identification number of the handset and if a match exists, establishing a communication link (col 2, lines 25-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lehtovirta et al to show a wireless communication device, comprising: a receiver; a transmitter; an antenna coupled to the receiver and the transmitter; one or more processors coupled to the receiver and the transmitter; the one or more processors being operative to: decode broadcasted identifiers of unavailable wireless communication devices in a wireless communication network; compare each broadcasted identifier with an identifier of the wireless device; and cause a control message which informs the wireless network of the presence of the wireless device to be transmitted through the transmitter, based on a match between a broadcasted identifier and the identifier of the wireless device, as taught by Martin et al, the motivation being activating a handset when the identification numbers match (Martin et al, col 2, lines 15-20).

Referring to **claim 14**, Lehtovirta et al disclose the wireless communication device of claim 13, wherein one or more processors are further operative to otherwise normally refrain from transmitting any control message to the wireless network (page 3, paragraphs 20 and 21, connections affected by the failure determined; then list with identification of subscriber units included in message sent to one or more nodes).

Referring to **claim 15**, Lehtovirta et al disclose the wireless communication device of claim 13, further comprising a cellular mobile station (figure 1, UE 30).

Referring to **claim 16**, Lehtovirta et al disclose the wireless communication device of claim 13 (figure 1, UE 30). Lehtovirta et al do not disclose that the one or more processors are further operative to decode broadcasted identifiers over a control channel of the wireless network. Examiner maintains that the concept that that the one or more processors are further operative to decode broadcasted identifiers over a control channel of the wireless network was well known in the art as taught by Martin et al.

In a similar field of endeavor, Martin et al show comparing the identification number of the called station with the stored identification number of the handset and if a match exists, establishing a communication link (col 2, lines 25-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lehtovirta et al to show the wireless communication device of claim 13, wherein one or more processors are further operative to decode broadcasted identifiers over a control channel of the wireless network, as taught by Martin et al, the motivation being activating a handset when the identification numbers match (Martin et al, col 2, lines 15-20).

Referring to **claim 17**, Lehtovirta et al disclose the wireless communication device of claim 13, wherein the broadcasted identifiers comprise one of identification numbers and an IP addresses (page 3, paragraph 21, identification of subscriber units; page 5, paragraph 47, IP address).

Referring to **claim 18**, Lehtovirta et al disclose in a wireless communication device, method of re-establishing communication with a wireless communication network after a loss of communication therewith (page 3, paragraph 22, connection is established; page 3, paragraph 22, failure), the method comprising the acts of: monitoring a control channel of the wireless network (page 1, paragraph 4, cellular telecommunications, control channel is inherent in a cellular telecommunications network). Lehtovirta et al do not disclose decoding broadcasted identifiers of unavailable wireless communication devices in the wireless network; comparing each broadcasted identifier with an identifier of the wireless device; and based on a match between a broadcasted identifier and the identifier of the wireless device, transmitting a control message which informs the wireless network of the presence of the wireless device; and otherwise, normally refraining from transmitting the control message to the wireless network. Examiner maintains that the concept of decoding broadcasted identifiers of unavailable wireless communication devices in the wireless network; comparing each broadcasted identifier with an identifier of the wireless device; and based on a match between a broadcasted identifier and the identifier of the wireless device, transmitting a control message which informs the wireless network of the presence of the wireless device; and otherwise, normally refraining from transmitting the control message to the wireless network was well known in the art as taught by Martin et al.



In a similar field of endeavor, Martin et al show comparing the identification number of the called station with the stored identification number of the handset and if a match exists, establishing a communication link (col 2, lines 25-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lehtovirta et al to show a wireless communication device, method of re-establishing communication with a wireless communication network after a loss of communication therewith (page 3, paragraph 22, connection is established; page 3, paragraph 22, failure), the method comprising the acts of: monitoring a control channel of the wireless network (page 1, paragraph 4, cellular telecommunications, control channel is inherent in a cellular telecommunications network). Lehtovirta et al do not disclose decoding broadcasted identifiers of unavailable wireless communication devices in the wireless network; comparing each broadcasted identifier with an identifier of the wireless device; and based on a match between a broadcasted identifier and the identifier of the wireless device, transmitting a control message which informs the wireless network of the presence of the wireless device; and otherwise, normally refraining from transmitting the control message to the wireless network, as taught by Martin et al, the motivation being activating a handset when the identification numbers match (Martin et al, col 2, lines 15-20).

Referring to **claim 19**, Lehtovirta et al disclose a cellular telecommunications system comprising: a cellular network infrastructure which: receives indications of communication losses with one or more cellular mobile stations (page 3, paragraph 22, failure); adds identifiers of the one or more cellular mobile stations associated with communication losses to a list (page 3, paragraph 21, list with identification of subscriber units); causes the identifiers in list to be

broadcasted through the cellular network infrastructure on a regular basis (page 3, paragraph 21, list included in message sent to one or more nodes). Lehtovirta et al do not disclose that the one or more cellular mobile stations operative to: decode the broadcasted identifiers; compare each broadcasted identifier with an identifier of the cellular mobile station; and cause a control message which informs the cellular network infrastructure of the presence of the cellular mobile station to be transmitted based on a match between a broadcasted identifier and the identifier of the cellular mobile station. Examiner maintains that the concept of a cellular telecommunications system comprising: a cellular network infrastructure which: receives indications of communication losses with one or more cellular mobile stations; adds identifiers of the one or more cellular mobile stations associated with communication losses to a list; causes the identifiers in list to be broadcasted through the cellular network infrastructure on a regular basis; each of the one or more cellular mobile stations operative to: decode the broadcasted identifiers; compare each broadcasted identifier with an identifier of the cellular mobile station; and cause a control message which informs the cellular network infrastructure of the presence of the cellular mobile station to be transmitted based on a match between a broadcasted identifier and the identifier of the cellular mobile station, as taught by Martin et al, the motivation being activating a handset when the identification numbers match (Martin et al, col 2, lines 15-20).

Referring to **claim 20**, Lehtovirta et al disclose the cellular telecommunications network of claim 19 (page 1, paragraph 4, cellular telecommunications). Lehtovirta et al do not disclose that each cellular mobile station is further operative to normally refrain from transmitting any control message to the cellular network infrastructure, unless a match exists between a broadcasted identifier and the identifier of the cellular mobile station. Examiner maintains that

the concept that each cellular mobile station is further operative to normally refrain from transmitting any control message to the cellular network infrastructure, unless a match exists between a broadcasted identifier and the identifier of the cellular mobile station was well known in the art as taught by Martin et al.

In a similar field of endeavor, Martin et al show comparing the identification number of the called station with the stored identification number of the handset and if a match exists, establishing a communication link (col 2, lines 25-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lehtovirta et al to show that each cellular mobile station is further operative to normally refrain from transmitting any control message to the cellular network infrastructure, unless a match exists between a broadcasted identifier and the identifier of the cellular mobile station, as taught by Martin et al, the motivation being activating a handset when the identification numbers match (Martin et al, col 2, lines 15-20).

Referring to **claim 21**, Lehtovirta et al disclose a method re-establishing a connection between an application server and a wireless communication device operating in a wireless communication network (page 3, paragraph 22, connection is established), the method comprising the acts of: storing an identifier of the application server in association with an identifier of the wireless device (page 3, paragraph 22, list that identifies subscriber units affected by the failure along with connections affected by the failure, nodes; figure 1, base station); receiving an indication of a communication loss between the wireless device and the wireless network (page 3, paragraph 22, failure); receiving an indication that communication is re-established between the wireless device and the wireless network (page 3, paragraph 22,

connection is established); Lehtovirta et al do not disclose providing the stored association of identifiers of the application server and the wireless device to assist in re-establishing a connection between the wireless device and the application server. Examiner maintains that the concept of providing the stored association of identifiers of the application server and the wireless device to assist in re-establishing a connection between the wireless device and the application server was well known in the art as taught by Martin et al.

In a similar field of endeavor, Martin et al show comparing the identification number of the called station with the stored identification number of the handset and if a match exists, establishing a communication link (col 2, lines 25-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lehtovirta et al to show a method re-establishing a connection between an application server and a wireless communication device operating in a wireless communication network, the method comprising the acts of: storing an identifier of the application server in association with an identifier of the wireless device; receiving an indication of a communication loss between the wireless device and the wireless network; receiving an indication that communication is re-established between the wireless device and the wireless network ;providing the stored association of identifiers of the application server and the wireless device to assist in re-establishing a connection between the wireless device and the application server, as taught by Martin et al, the motivation being activating a handset when the identification numbers match (Martin et al, col 2, lines 15-20).

Referring to **claim 22**, Lehtovirta et al disclose the method of claim 21, wherein the act of storing the identifier is performed after the act of receiving the indication of the communication

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loss (page 3, paragraph 22, list that identifies subscriber units affected by the failure along with connections affected by the failure, nodes; figure 1, base station).

Referring to **claim 23**, Lehtovirta et al disclose the method of claim 21, wherein the act of storing the identifier is performed prior to the act of receiving the indication of the communication loss (page 3, paragraph 22, list that identifies subscriber units affected by the failure along with connections affected by the failure, nodes; figure 1, base station).

Referring to **claim 24**, Lehtovirta et al disclose the method of claim 21, wherein the act of storing the identifier of the application server comprises the further act of storing an application server name of the application server (figure 1, base station).

Referring to **claim 25**, Lehtovirta et al disclose the method of claim 21, comprising the further act of: using the identifier of the application server, contacting the application server to assist in re-establishing the connection (figure 1, base station).

Referring to **claim 26**, Lehtovirta et al disclose a method of re-establishing data communication between an application server and a wireless communication device from a communication loss between the wireless device and a wireless communication network (page 3, paragraph 22, connection is established; page 3, paragraph 22, failure), the method comprising the acts storing identifiers of application servers in association with identifiers of wireless communication devices between which data communications were established or pending (page 3, paragraph 22, list that identifies subscriber units affected by the failure along with connections affected by the failure hence pending, nodes; figure 1, base station). Lehtovirta et al do not disclose, after communication is re-established between a wireless communication device and a wireless communication network assisting in re-establishing a connection between an application

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server and the wireless device with use of a stored association between an identifier of the application server and an identifier of the wireless device. Examiner maintains that the concept that after communication is re-established between a wireless communication device and a wireless communication network assisting in re-establishing a connection between an application server and the wireless device with use of a stored association between an identifier of the application server and an identifier of the wireless device was well known in the art as taught by Martin et al.

In a similar field of endeavor, Martin et al show comparing the identification number of the called station with the stored identification number of the handset and if a match exists, establishing a communication link (col 2, lines 25-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lehtovirta et al to show a method of re-establishing data communication between an application server and a wireless communication device from a communication loss between the wireless device and a wireless communication network, the method comprising the acts of: storing identifiers of application servers in association with identifiers of wireless communication devices between which data communications were established or pending; and after communication is re-established between a wireless communication device and a wireless communication network; assisting in re-establishing a connection between an application server and the wireless device with use of a stored association between an identifier of the application server and an identifier of the wireless device, as taught by Martin et al, the motivation being activating a handset when the identification numbers match (Martin et al, col 2, lines 15-20).

Referring to **claim 27**, Lehtovirta et al disclose the method of claim 26, comprising the further act of: using the identifier of the application server to contact the application server to assist in re-establishing the connection (figure 1, base station).

Referring to **claim 28**, Lehtovirta et al disclose the method of claim 26, wherein the identifier of the application server comprises an application server name (figure 1, base station).

Referring to **claim 29**, Lehtovirta et al disclose a server, comprising: a data storage medium; computer instructions stored on the data storage medium; a computer processor which executes the computer instructions (figure 1, base station; page 3, paragraph 22, nodes) for: storing identifiers of application servers in association with identifiers of wireless communication devices between which data communications were established or pending (page 3, paragraph 22, list that identifies subscriber units affected by the failure along with connections affected by the failure hence pending, nodes). Lehtovirta et al do not disclose providing an identifier of an application server to assist in re-establishing a connection between the application server and a wireless communication device after communication is re-established between the wireless device and a wireless communication network. Examiner maintains that the concept of providing an identifier of an application server to assist in re-establishing a connection between the application server and a wireless communication device after communication is re-established between the wireless device and a wireless communication network was well known in the art as taught by Martin et al.

In a similar field of endeavor, Martin et al show comparing the identification number of the called station with the stored identification number of the handset and if a match exists, establishing a communication link (col 2, lines 25-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lehtovirta et al to show a server, comprising: a data storage medium; computer instructions stored on the data storage medium; a computer processor which executes the computer instructions for: storing identifiers of application servers in association with identifiers of wireless communication devices between which data communications were established or pending; and providing an identifier of an application server to assist in re-establishing a connection between the application server and a wireless communication device after communication is re-established between the wireless device and a wireless communication network, as taught by Martin et al, the motivation being activating a handset when the identification numbers match (Martin et al, col 2, lines 15-20).

Referring to **claim 30**, Lehtovirta et al disclose the server of claim 29, wherein the computer processor which executes the computer instructions for providing the identifier is used for contacting the application server to re-establish the connection between the application server and the wireless device (page 3, paragraph 22, connection).

Referring to **claim 31**, Lehtovirta et al disclose the server of claim 29, wherein the computer processor which executes the computer instructions is also used for contacting the application server with use of the identifier to further assist in re-establishing data communication between the application server and the wireless device (page 3, paragraph 22, connection).

7. Claims 36 and 45 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6381455 to Smolik in view of U.S. Patent No. 7046646 to Kilgore



Referring to **claim 36**, Smolik discloses the method of claim 32 (col 8, lines 5-10, new service option). Smolik does not disclose that the application server has an e-mail application for use with the wireless device. Examiner maintains that the concept that the application server has an e-mail application for use with the wireless device was well known in the art as taught by Kilgore

In a similar field of endeavor, Kilgore shows a server sending emails to a mobile station (col 2, lines 18-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smolik to show that the application server has an e-mail application for use with the wireless device, as taught by Kilgore, the motivation being optimizing utilization of the wireless link (Kilgore, col 2, lines 25-30).

Referring to **claim 45**, Smolik discloses the method of claim 43 (col 8, lines 5-10, new service option). Smolik further does not disclose that the act of operating in the cellular telecommunications network comprises the further act of receiving e-mail information pushed from the cellular telecommunications network. Examiner maintains that the concept of receiving e-mail information pushed from the cellular telecommunications network was well known in the art as taught by Kilgore.

In a similar field of endeavor, Kilgore shows a server sending emails to a mobile station (col 2, lines 18-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smolik to show receiving e-mail information pushed from the cellular

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telecommunications network, as taught by Kilgore, the motivation being optimizing utilization of the wireless link (Kilgore, col 2, lines 25-30)

*Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suhail Khan whose telephone number is (571) 272-7910. The examiner can normally be reached on M-F from 7:30 am to 4 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached at (571) 272-4090.

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JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER